CR 92 of 2007.

27.11.2007. Present: Mr. N.K. Thakur, counsel for the petitioner.

Mr. Ashok Sharma, counsel for the respondent.

This revision petition has been preferred by the judgment debtor against the order of the learned executing court dismissing the objections preferred by him under Section 47 of the Code of Civil Procedure relating to the executability of the decree.

It was pleaded before the learned executing Court that the decree was inexecutable as one co-owner has already filed suit for declaration challenging the judgment and decree which is the subject matter of the present execution and that co-owners of land in dispute have also sought declaration. No order staying the operation of the judgment and decree in execution has been placed on the record of the case. The learned executing Court has rightly held that in the absence of any interim injunction, the objection to the executability of the decree cannot be maintained. This revision petition is therefore, dismissed. There shall be no order as to costs. Record of the trial court be sent back immediately.

CMP No. 459/2007.

Dismissed.

27th November, 2007. **(Dev Darshan Sud)**
(cm) **Judge.**